VII.—A BILL TO AMEND THE MADRAS BETTING TAX ACT, 1935 FOR CERTAIN PURPOSES (BILL No. 4 OF 1936).

* The Hon. Sir Charles Souter:—" Mr. President, Sir, I beg to introduce the Bill [a] to amend the Madras Betting Tax Act, 1935, for certain purposes (Bill No. 4 of 1936) and move that the Bill be taken into consideration at once. The Bill is a very short one and deals with only two subjects. One is the extension of the Bill by notification to cantonments and the second is the provision to recover any tax as arrear of land revenue. As regards the first of these points I might mention that the clauses were included in the original Bill but as we had not got the sanction of the Governor-General in Council to the inclusion of those two clauses we had to omit them. We have now subsequently got the sanction and this Bill is intended merely to carry out the objects of the original Bill. With regard to the provision relating to the recovery of tax as arrear of land revenue I may say that it has been decided that the Revenue Department should be responsible for the collection of this tax and therefore it is only proper that the collection of the tax should be facilitated in this manner by giving the Revenue Department power to recover it as land revenue. Sir, with these words, I move that the Bill be taken into consideration." 3-45 p.m.

The motion was duly seconded.

The motion was put and carried and the Bill was taken into consideration.

Clauses 1 to 3 were put and carried.

The preamble was put and carried.

The Hon. Sir Charles Souter:—" I beg to move, Sir, that the Bill be passed into law."

The motion was duly seconded.

The motion was put and carried and the Bill was passed into law.

VIII.—A BILL TO AMEND THE MADRAS COMMERCIAL CROPS MARKETS ACT, 1933, FOR CERTAIN PURPOSES (BILL No. 3 OF 1936).

* The Hon. Mr. P. T. Rajan:—" Sir, I beg to introduce the Bill [a] to amend the Madras Commercial Crops Markets Act, 1933, for certain purposes (Bill No. 3 of 1936) and move that the Bill be taken into consideration at once. This is a small Bill meant to meet certain emergencies in connexion with the working of the Act. When the Act came to be applied to Tiruppur objections were called for from the people of that place. They said that the Act should not be applied to Tiruppur and if it was to be applied at all it should be applied to the whole cotton area. They objected to the application of the Act to Tiruppur on the ground that those living in adjacent towns might take advantage of this and try to deflect the trade from Tiruppur. In order to allay their fears and to meet any such eventuality the Government

[a] Published in the *Fort St. George Gazette*, dated 21st January 1936.

had to consider measures to prevent it. Sir, under section IV of this Act, Government were given power only to declare this area as a notified area; but they have no power to exclude any portion or include any portion if need be. This Bill will rectify it. In cases where the Act is applied to any new area the Government wish to nominate the members of the Committee in the first instance for a year so as to avoid delay which the holding of elections will entail. After the first year an elected committee will function. This Bill is a minor one and does not affect any of the major points in the original Act. I hope the Council will accept it."

The motion was duly seconded.

The motion was put and carried and the Bill was taken into consideration.

Clauses 1 and 2 were put and carried.

Clause 3.

* Mr. G. R. Premayya :—" I beg to move—

'*In sub-clause* (1) *for the words* " *all the members of such committee* " *insert the following* :—

" *one member representing the Muhammadan community, one member representing the Christian community, one member of the Depressed class community and the other members of such committee* ".'

I have only one difficulty and it is this. In the Act the Markets Committee was to be constituted and that was supposed to be elected by different bodies. But in this Bill the Government propose to nominate 12 members for a year. Sir, when this particular Committee is going to be nominated by Government, I say that the three communities I have just mentioned may be given representation. My reasons are these. Government will consult Collectors to select any twelve people. Generally the Collectors cannot find people from these communities. And therefore if there is no provision made in the Bill the Collectors do not care to find suitable people among these communities. If groundnut, cotton and tobacco have to be purchased by these committees these three communities will suffer much unless the committee has their representation. So, Sir, there is a great necessity for these people to be represented on this committee and if the Hon. the Minister assures me that he will consult the Collectors with a view to get three people from these communities, I am prepared to withdraw the motion. But if he cannot do so, I will be constrained to press the motion."

Rao Sahib V. I. Muniswami Pillai :—" Mr. President, Sir, I rise to second the amendment moved by Mr. Premayya. Sir, it may look ridiculous that communal representation should be asked for in the matter of the Committee to be set up for this Commercial Crops Bill. Sir, in introducing the Bill the Hon. Minister said that due to certain

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administrative difficulties in Tiruppur, it was necessary for him to bring this Bill before this Council. Sir, I have to point out that the scope of this Bill is not to be limited only to Tiruppur but in days to come the provisions of the Bill will have to be adopted in various centres where commercial crops are grown. Then it will be necessary, Sir, that the Depressed classes who form the bulk of the agricultural population must have their say in the disposal of their crops. Sir, I may say recently, in a society that was formed in the Nilgiris for the marketing of the produce in that particular district it was not possible for any community other than one single community who monopolized the whole directorate, to get representation. So, Sir, though the Adi-Dravidas were toiling from morn to eve they could not get representation in the institutions that catered for the disposal of their crop. So I think in order that better facilities of marketing might be afforded the particular communities must find a place. With these few words I second the amendment."

* The Hon. Mr. P. T. Rajan:—" Sir, the amendment seeks to get representation communitywar. In a matter which affects purely the trade and commercial interests and not any communal interest such a representation is unnecessary. The Bill as it is provides for a committee consisting of twelve members of whom 'five shall be persons elected from among themselves by the growers of the commercial crop or crops in such areas as the Local Government may determine.' Two shall be persons nominated by the Local Government. One shall be a person elected (*a*) by the Councillors of the Corporation of Madras from among themselves, in case the notified area is the City of Madras, (*b*) by the members of the municipal council from among themselves, in case the notified area is in a municipality, (*c*) by the members of the taluk board from among themselves in case the notified area is a non-panchayat area, or (*d*) by the members of the panchayat from among themselves, in case the notified area is a panchayat area, or (*e*) by the members of all the local bodies concerned from among themselves, in case the notified area falls within the jurisdiction of more than one local body and four shall be persons elected by persons licensed under section 4.

" Sir, this gives representation both to traders and growers and to representatives of the local body in the area in which the market is to be constituted. Such being the case, I cannot see how different communal interests, whether Depressed class interests or Muhammadan interests, come in here. If they belonged to any one of the categories, either of growers or of merchants or representatives of local bodies, certainly their claims would be met. In this case, Sir, I am taking this power not with a view to avoiding election but only for cases of emergency when we find that an attempt is being made by any person or set of persons to defeat the objects of this Act. If we extend the Act to some other area, to avoid the delay in holding elections, the Government propose to take power to nominate the members of the Committee in 4 p.m.

the first instance for a year. In making nominations to the Committee, the Collectors of the districts concerned will be asked to submit recommendations, and it will be open to members of those communities to go and urge their claims either in their capacity as growers or traders and see that their claims are protected. In the circumstances, I do not see my way to accept this amendment. I hope my assurance that their claims would be considered both by the Collector who will be the recommending authority and by the Government who will be the nominating authority will be enough."

* Mr. G. R. PREMAYYA:—"I am sorry that the Hon. Minister was attending to something else (Laughter) and was not pleased to bestow his attention to what I have said. I have no quarrel with the Act. In the present Bill there is the nomination to be made by the Government only for a year. I only want that these three communities should be represented in that nomination for a year. Although he has not given me any assurance, as a true Justicite (Laughter) I shall not press my amendment."

* The Hon. Mr. P. T. RAJAN:—"That is exactly what I have been saying, Sir. Their claims not as communities but as belonging to the different interests for representation on the committee will be considered. Certainly I am not going to consider the claims of any person because he happens to be a Muhammadan or a Christian, unless he represents any one of those interests mentioned in the Act."

Mr. G. R. PREMAYYA:—"I withdraw the amendment."

The amendment was by leave withdrawn.

* Mr. K. A. NACHIYAPPA GOUNDER:—"Sir, I move—

'*In clause 3, in line 5 of the proviso to sub-section* (i), *for the words "every member," the words "the members" be substituted, and in line 7 for the words "his appointment," the words "their first appointment" be substituted.*'

"Sir, my object in moving this amendment is this. If any casual vacancy arises after the appointments have been made, as the clause stands now, I think the Government may make a nomination to fill up an interim vacancy and the member so appointed can continue for a year from the date of his appointment and not for the rest of the period of the committee and if it is so there is no end to it. So, in order to make the position clear, I think that the proviso should be amended as I propose. If the object of the Government is to constitute a nominated committee only in the first instance, I think my amendment will be in order, and the proviso with my amendment will then read: 'All the members of such committee may be appointed by the Local Government and the members so appointed shall hold office for a period of one year from the date of their first appointment.' I think that will make matters quite clear, instead of having the wording as it is. So, I move this amendment."

Rao Sahib V. I. MUNISWAMI PILLAI:—"I second it."

* The Hon. Mr. P. T. RAJAN:—" I do not see, Sir, what exactly the difference is. Whether it is ' every member ' or ' all the members so appointed,' they will hold office only for a period of one year. In what way the position is going to be bettered by the amendment or how the present wording fails to clear his doubt, I fail to see. If my hon. Friend will kindly explain it, I am certainly willing to meet his suggestion."

* Mr. K. A. NACHIYAPPA GOUNDER:—" When an interim vacancy arises, I do not know, Sir, whether the Government is making provision for filling it up also. If that is so, it must be definitely stated. In the absence of it, I thought we would be making the position clear by accepting the amendment I suggested. As it is I believe a member appointed to an interim vacancy will continue for a year from the date of his appointment, and if that is so, there will be no end to the life of the committee first appointed by the Government. If the Government feel that the present provision is clear and sufficient, I do not want to press my amendment."

* The Hon. Mr. P. T. RAJAN:—" Sir, if any member dies and a vacancy arises, the person nominated in the vacancy will continue for the rest of the period of the committee and not for one year from the date of his nomination, because the committee itself will not exist after one year. So, I do not think the amendment will improve the position in any way."

Mr. K. A. NACHIYAPPA GOUNDER:—" I withdraw the amendment."

The amendment was by leave withdrawn.

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—" Sir, in the same proviso, we find this, ' Where the Local Government establish a Market Committee for any notified area . . .' Now, Sir, the Market Committee is appointed only for a notified area, or even otherwise the words ' for any notified area ' are redundant and unnecessary in the proviso. Now a complication has been created by the previous clause, namely, that there can be a notification for adding or subtracting from a notified area. So the question will arise whether a notification adding or subtracting an area will be considered as notifying an area, and if that is so considered, every time such a notification appears the Government will have the right to nominate the members of the committee. I am not referring to an imaginary matter, because under the Religious Endowments Act, such a provision as this is taken advantage of. A provision like that exists there and what they do is that for one year they say the Committee will be appointed for the whole district and they nominate the members of the committee. Next year they divide the district into two and again they appoint a nominated committee for each area. The third year, they club the two parts together and notify the whole as one area and nominate a committee. I am not exaggerating. It is exactly what has occurred in my district of Coimbatore. First they appointed a committee for the whole district, then they divided the district into two and appointed committees and then again a third

committee was appointed for the whole district. I want to avoid that sort of playing with the matter. I do not want that the Government should take advantage of these words and say that every time they issue a notification adding or subtracting to an area they have a right to nominate the members of the committee. I want to avoid that. As I said, there cannot be any purpose served by retaining those words. So I think to avoid all those difficulties, those four words may be taken away. So, I move that the words 'for any notified area' in lines 2 and 3 of the proviso to clause 3 (i) be deleted."

Mr. K. A. NACHIYAPPA GOUNDER :—"I second it."

* The Hon. Mr. P. T. RAJAN :—"Sir, in the first place, I want to ask whether the hon. Member is right in imputing motives either to the Government or the Member in charge of this Bill. He said that Government might take advantage of this section, cancel the market committee and appoint a new committee every time they feel like doing so. I can assure him that it is not the idea of the Government or the department. Clause 2 gives power to Government to include a new portion or portions, where it will not be worthwhile to apply the Act separately, or exclude a portion. I may inform the hon. Member that when this is done, the Government will not abolish any existing committee and go in for a nominated committee instead. Unless the area to be brought under the operation of the Act is sufficiently large, Government will not resort to the nomination of committees. Even in cases where, in the first instance, the committee is nominated, it will function only for a period of one year. Afterwards the process of election will have to be gone through. It is not the intention of the Government to go behind the Act and unnecessarily interfere with any existing committees. Assuming that the words 'for any notified area' are taken away as suggested by him, how is it going to prevent Government from doing the thing which he anticipated the Government might do. Government can nominate a committee for any area only if that area is notified. Without notifying the area no committee can be set up. If Government intends nominating a committee for the sake of doing it there is nothing to prevent them from doing so however small the area may be. Thus either the presence or absence of these words will not affect the situation either way. Let me once more assure my hon. Friend that Government are not going to circumvent the Act, by taking advantage of the wording of this section. In these circumstances I feel I cannot accept the amendment proposed."

The amendment was put and lost.

Clause 3 was put and carried.

The preamble was then put and carried.

The Hon. Mr. P. T. RAJAN :—"I beg to move that the Bill be passed into law."

The Hon. Mr. G. T. H. BRACKEN :—"I second it."

The motion was put and carried and the Bill was passed into law.